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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,026	04/10/2001	Gary Helms	108298613US	8349

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EXAMINER

WEBB, JAMISUE A

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,026

Applicant(s)

HELMS ET AL.

Examiner

Jamisque A. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. With respect to Claims 1 and 22: the phrase “when status of a unit of an item of an order changes, setting a status in a record of the unit order database for a unit of the item...so that the status of each unit of each item of an order” is indefinite. This phrase claims “a unit”, “a record” and “an order” multiple times, so it is unclear if these are referring to all new claim limitations, or are they referring all to the same unit, the same record and the same order. For example, the phrase “a record” is first claimed in the updating step, so for the recited “setting a status of a record” is this record the same as in the updating step, or is in a different record?

4. With respect to Claim 6, 16 and 27: the phrase “each item of each uncanceled order” is indefinite. An uncanceled order has not been positively claimed, therefore it is unclear what “each uncanceled order is referring to”.

5. Claims 9, 10, 19, 21, 30 and 31 recite the limitation "the set status". There is insufficient antecedent basis for this limitation in the claims. Furthermore it is unclear if this is a method step, or if set status is referring to a physical limitation of the record.

6. With respect to Claim 11: the phrase “means for setting a status in a record... for a unit of the item...when the status of a unit of an item or an order...each item of an order” is indefinite.

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This phrase claims “a unit”, “a record” and “an order” multiple times, so it is unclear if these are referring to all new claim limitations, or are they referring all to the same unit, the same record and the same order. For example, the phrase “a record” is first claimed in the updating step, so for the recited “setting a status of a record” is this record the same as in the updating step, or is in a different record?

7. With respect to Claim 20: the phrase “ORACLE Order Entry System” is indefinite.

Where as it is acceptable to use a trademark with its corresponding generic terminology in the specification. A trademark is not permitted to be in the claims and it renders the claim indefinite.

The examiner suggests replacing this term with its generic terminology. Due to the fact that this is all that is claimed, for examination purposes the examiner is considering this to be any order entry system.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3, 5-13, 15-24 and 26-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraemer et al. (5,491,637) in view of Chinchar et al. (6,675,178).

10. With respect to Claims 1, 11 and 22: Kraemer discloses the use of a method which creates a record for each unit (pipe joint) in order to track the exact location and destination of the unit (pipe joint) (See abstract, column 5, line 38-47). Kraemer discloses setting a status for

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each unit shipped (Column 5, lines 38-47, and Column 9, line 66 to Column 10, line 24).

Kraemer also discloses entering in the purchase order and updating the order, and the individual records are updated to correspond to the changes (column 8, lines 5-20), however fails to disclose the purchase order and the unit records being kept in databases that are linked or synchronized with each other. Chinchar et al. discloses storage devices which store data in databases, and which communicate with each other, so that when one database is updated, the second one is subsequently updated see abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Kraemer to have the purchase order data in a first database, and the unit (pipe joint) records in a second database, and are synchronized and updates, as disclosed by Chinchar, in order to provide accurate transactions between the purchase order and the unit records.

11. With respect to Claims 2, 12 and 23: See Kraemer, column 8, lines 8-20.
12. With respect to Claims 3, 13 and 24: See Kraemer, column 7, lines 18-30 and column 8, lines 62-67.
13. With respect to Claims 5, 6, 15, 16, 26 and 27: See Kraemer, column 8, lines 5-20.
14. With respect to Claims 7, 17 and 28: See Chinchar, column 7, lines 26-30.
15. With respect to Claims 8, 18 and 29: Chinchar discloses the synchronization of the databases occurs in a real-time basis, therefore the examiner considers this to be multiple times daily, and therefore an update is done at least on a daily basis (see abstract).
16. With respect to Claims 9, 10, 19, 21, 30 and 31: Kraemer discloses the records keeping a status of shipping and a record of received (column 9, lines 27-39, column 10, lines 1-14, and column 11, lines 52-59).

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17. With respect to Claim 20: See Kraemer, Column 5, lines 19-47.
18. With respect to Claim 32: Kraemer discloses the use of a method which creates a record for each unit (pipe joint) in order to track the exact location and destination of the unit (pipe joint) (See abstract, column 5, line 38-47). Kraemer discloses setting a status for each unit shipped (Column 5, lines 38-47, and Column 9, line 66 to Column 10, line 24). Kraemer also discloses entering in the purchase order and updating the order, and the individual records are updated to correspond to the changes (column 8, lines 5-20), however fails to disclose the purchase order and the unit records being kept in databases that are linked or synchronized with each other. Chinchar et al. discloses storage devices which store data in databases, and which communicate with each other, so that when one database is updated, the second one is subsequently updated see abstract). Chinchar discloses periodically checking if changes to the first database occur, and changing the second subsequently (Figure 5, and column 7, lines 26-30). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Kraemer to have the purchase order data in a first database, and the unit (pipe joint) records in a second database, and are synchronized and updates, as disclosed by Chinchar, in order to provide accurate transactions between the purchase order and the unit records.
19. With respect to Claims 33: See Kraemer, column 8, lines 8-20.
20. With respect to Claims 34: See Kraemer, column 7, lines 18-30 and column 8, lines 62-67.

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21. Claims 4, 14, 25 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraemer and Chinchar, as for claims 1, 11 and 22 above, in further view of Morimoto.

22. Kraemer and Chinchar, disclose the updating of the status of a unit, but fail to specifically point out that a unit record is set to cancelled, for each decreased unit. Morimoto discloses that it is old and well known in the art that when an order is cancelled or when a item is deleted, then the status is set to cancelled (column 3 line 66 to column 4, line 7). It is obvious to one having ordinary skill in the art at the time the invention was made to modify the Kraemer reference to include setting a record to cancel, for the benefit of managing orders and to create a historical record of all order (See Kraemer columns 2-3 and Morimoto, columns 1-2)

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Berlin et al. (6,006,199) discloses the use of a purchase order system, Wojcik et al. (5,666,493) discloses the use of an order and shipping system, Radican (6,148,291) discloses the use of monitoring container inventory, Howes et al. (US 2001/0053949) discloses the use of tracking an individual unique item, Hennig et al. (6,587,827) discloses the use of an order fulfillment system, Lachance (6,246,882) discloses the use of a tracking system using cellular devices, Caveney (5,038,283) discloses use a shipping system which tracks units inside a container, Guidice et al. (6,463,420) discloses the use of displaying delivery status of an order online, Katz et al. (4,558,318) discloses a merchandise verification system using tracking tags, Nevel et al. (US 2002/0133434) discloses the use of a system for delivering multiple units from a seller to buyer, Ayabe (WO 02/065362) discloses the use of an electronic transaction system,

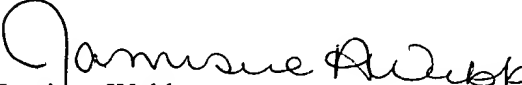
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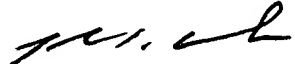
FTD.com (www.ftd.com) discloses displaying a delivery status of an order and the capability of modifying an order, and Harry and David (www.harryanddavid.com) discloses the use of obtaining delivery status of an order online.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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